

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 870 of 1982

And

CRIMINAL REVISION APPLICATION No.380 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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STATE OF GUJARAT

Versus

BAVA NABHU BACHU

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Appearance:

Criminal Appeal No.870 of 1982

Mr. S.R. Divetia, learned Addl.P.P. for the appellant.

Mr.P.B.Majmudar, learned senior counsel with Mr. Z.F. Bharde for respondents.

Criminal Revision Application No.380 of 1982

Mr.M.J. Buddhbhatti, learned counsel for the applicant.

Mr. P.B. Majmudar, learned senior counsel with Mr. Z.F.Bharde for opponent Nos.1 and 2.

Mr. S.R. Divetia, learned Addl.P.P. for the opponent No.3.

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CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 16/08/96

COMMON ORAL JUDGMENT ;

1. With regard to an incident dated 31-3-81 one Shri Shankerlal Vershi was hurt at the instance of the respondents in the Appeal i.e. Bava Nabhu Bachu and Bava Laxmiben. On a complaint being filed by Shri Vershi against the accused persons, the matter was investigated and the accused faced the trial for the offences punishable under Sections 324, 325, 504 and 114 of the I.P.C. in Criminal Case No.1090/81 in the Court of learned Judicial Magistrate First Class at Dwarka. By an order dated 10-6-82 the accused persons were acquitted and against this acquittal present Appeal was filed in this court in the year 1982.

2. The complainant Shankerlal Vershi had filed Revision Application No.380 of 1982 against the acquittal order dated 10-6-82.

3. Today when the Appeal and the Revision came up for hearing before the Court, the learned counsel for both the sides have moved an application under S.320 Cr.P.C. seeking compounding of the offences. In the affidavit dated 16-8-96, which is signed by the complainant and one of the respondents, it has been stated that a compromise has been arrived at between the parties, they are residing peacefully in their respective villages and now there is no ill feeling or any grievance to any effect and that it will not occur amongst them and both have undertaken to reside peacefully. In the Application signed by the parties and their respective lawyers it has been prayed that the offences may be compounded. The offences are compoundable under the provisions of Cr.P.C. and, therefore, in view of the compounding of the offences, the Appeal and the Revision are not required to be considered on merits.

4. Accordingly the offences punishable under Sections 324, 325, 504 read with 114 I.P.C. are permitted to be compounded at the request of the person, who was hurt. In this view of the matter the Appeal as well as the Revision are hereby dismissed. The record and the papers may be sent back to the trial court.

5. The Application and the affidavit shall remain on the record.

